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November 24, 2015

**VIA ECF**

Honorable Susan D. Wigenton  
U.S. District Court, District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Room 5C  
Newark, NJ 07101

**Re: *Masimo Corporation v. Mindray DS USA, Inc., Shenzhen Mindray Biomedical Electronics Co., Ltd. and Mindray Medical International Ltd., 2:15-cv-00457 (SDW)(LDW) and 2:15-cv-06900 (SDW)(LDW)***

Dear Judge Wigenton:

Counsel for Plaintiff Masimo Corp. ("Masimo") and counsel for Defendants Mindray DS USA, Inc., Shenzhen Mindray Biomedical Electronics Co., Ltd. and Mindray Medical International Ltd (collectively "Mindray") in the above-captioned cases have conferred and respectfully submit this letter jointly to the Court.

The parties are pleased to report that they have executed a final and binding confidential settlement agreement that resolves all outstanding litigation between them, including the two cases before this Court. The cases cannot be dismissed in their entirety, however, until the completion of certain events specified in the settlement agreement that may take up to sixty days to complete. (If the Court would like, counsel can provide further details regarding these events to the Court *in camera*.) Accordingly, to implement the terms of the settlement agreement, the parties respectfully request that the Court order as follows with respect to each pending case:

2:15-cv-00457

1. That the case be reopened; (It was administratively closed by the Court on September 15, 2015 in connection with the Court's order remanding some claims and counterclaims to New Jersey state court and severing and staying the federal patent claims and counterclaims.);

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2. That Defendant Mindray DS USA, Inc.'s counterclaims be immediately dismissed with prejudice, with each party to bear its own fees and expenses with respect to Mindray DS's counterclaims; (For avoidance of doubt, this dismissal shall have no effect on Masimo's claims and counter-counterclaims in this case or defendants' affirmative defenses to Masimo's claims and counter-counterclaims.);
3. That the case be stayed for sixty-days and that parties shall advise the Court by letter when Masimo's claims and counter-counterclaims can be dismissed and the case fully dismissed; provided, however, that if a letter seeking dismissal of Masimo's claims and counter-counterclaims is not filed within seventy-days, the parties shall submit a letter to the Court advising on the status of this matter; and
4. That the Court shall retain jurisdiction over this matter with respect to any action involving the parties' settlement agreement.

(The parties note that there are no pending motions before the Court in this matter.)

2:15-cv-06900

1. That Defendant Shenzhen Mindray Biomedical Electronics Co., Ltd.'s counterclaims be immediately dismissed with prejudice, with each party to bear its own fees and expenses with respect to Shenzhen Mindray's counterclaims; (For the avoidance of doubt, this dismissal shall have no effect on Masimo's claims in this case or defendants' affirmative defenses to Masimo's claims.);
2. That the case, and all pending motions, be stayed for sixty-days and that the parties shall advise the Court by letter when Masimo's claims and counter-counterclaims can be dismissed and the case fully dismissed; provided, however, that if a letter seeking dismissal of Masimo's claims and counter-counterclaims is not filed within seventy-days, the parties shall submit a letter to the Court advising on the status of this matter; and
3. That the Court shall retain jurisdiction over this matter with respect to any action involving the parties' settlement agreement.

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Thank you for your consideration of this matter. Please do not hesitate to contact counsel should you require additional information in connection with this application.

Sincerely,



Dennis Hopkins

Enclosures

Via Email: Michael Yellin / Donald Ottaunick - Counsel for Masimo  
Joe Re / Stephen Larson - Counsel for Masimo  
Jonathan James - Counsel for Mindray